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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,481	12/22/2003	Carlos M. Esquivia-Lee	CEI1068JI220	7771
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MOTOROLA, INC 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER DABNEY, PHYLESHA LARVINIA	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 04/21/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/743,481

Applicant(s)

ESQUIVIA-LEE ET AL.

Examiner

PHYLESHA L. DABNEY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8, 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment received on 19 February 2008 in which claims 1-8, and 11-23 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1, 2, and 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg (U.S. Patent No. 6,631,191) in view of the Prior Art of Holmberg, and in further view of Schmidt (U.S. Patent No. 6,360,110).

Regarding claims 1 and 11, Holmberg teaches an electronic communication device (fig. 1), comprising: a housing portion (1, 2, 13) for the device including a window opening (fig. 1) for a display screen; opposite outer and inner surfaces of the housing portion, wherein the outer surface includes a plurality of through openings (4, 10) for receipt of keys of a keypad for the device projecting therethrough; and at least one audio channel formed along the inner surface of the housing portion allowing the outer surface to be maximized in size for receipt of graphics thereon; wherein the audio channel (7) is a sound pressure pathway that exits a top or side of the electronic communication device, wherein the top or side of the electronic communication

device are substantially perpendicular to the outer surface that includes the plurality of through openings (4, 10).

Although Holmberg teaches a speaker (6) located at the top of the housing portion associated with the audio channel, Holmberg fails to specifically teach the type of speaker associated with the audio channel as being any type of speaker, including low audio speaker. The Prior Art of Holmberg teaches that the loudspeaker used for the earpiece for placement close to the ear should be low in order to not cause impaired hearing (col. 1 lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a low audio speaker in the top housing portion of Holmberg as taught by the Prior Art for the reason stated.

In addition, the combination of Holmberg and the Prior Art fails to teach including a high audio speaker. Schmidt teaches including a secondary speaker in an electronic device located at the opposite end of the phone to allow an additional radio mode featured for outputting sound relative to a radio transmission device to be used with the electronic device (col. 3 lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the electronic device of Holmberg to incorporate a secondary speaker phone as taught by Schmidt to beneficially provide the additional radio mode feature, thus promoting multi-functionality of the device.

Regarding claim 2, the combination of Holmberg, the Prior Art, and Schmidt teaches the device of claim 1 wherein the outer surface includes surface portions (Holmberg; fig. 1, 13) on opposite sides of the window on which graphics can be received.

Regarding claims 5-6, the combination of Holmberg, the Prior Art, and Schmidt teaches the device of claim 1 wherein the at least one audio channel (Holmberg; 7) comprises multiple audio channels, and an audio cover member (Holmberg; col. 3 lines 22-25, alternate embodiments figs. 2-7) mounted to the inner surface of the housing portion and cooperating therewith to form the audio channels.

2. Claims **3-4, 7-8, and 12-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg, the Prior Art of Holmberg, Schmidt, and in further view of Fuhrmann (U.S. Patent No. 6,978,123).

Regarding claims 3-4, the combination of Holmberg, the Prior Art, and Schmidt fails to teach the device of claim 1 including a lens member. Fuhrmann teaches the device including a lens member sized to be slightly larger than the window to be mounted thereover for protecting the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lens in the invention of the combination of Holmberg, the Prior Art, and Schmidt as taught by Fuhrmann for the reason stated.

Regarding claims 7-8, the combination of Holmberg, the Prior Art, and Schmidt fails to teach the specifics of the device of claim 5 such that the housing portion and audio cover member include snap fit structure therebetween for cooperating to secure the audio cover member to the housing portion. Fuhrmann teaches the device including a housing portion (14) and audio cover member (2, 3, 10), wherein the 2 pieces include snap fit structure (11, 12, 12') therebetween for cooperating to secure the audio cover member to the housing portion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the housing of the combination of Holmberg, the Prior Art, and Schmidt in the manner as taught by Fuhrmann for securing the two pieces and prevention internal components from being dislodged.

Regarding claim 12, see the rejection of claims 1, 5, and 7-8.

Regarding claims 13-18, see the rejection of claims 1 and 3-6.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg (U.S. Patent No. 6,631,191), in view of Fuhrmann (U.S. Patent No. 6,978,123), in view of the Prior Art of Holmberg, and in further view of Schmidt (U.S. Patent No. 6,360,110).

Regarding claim 19, Holmberg teaches an electronic communication device comprising: a housing portion (1, 2, 13) for the device including a window opening (fig. 1) for a display screen; external and internal surfaces of the housing portion, wherein the external surface (fig. 1) includes the window opening for the display screen; and an audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) having audio channels (7) for being attached to the internal surface of the housing portion to keep the external surface substantially free of audio channels and to allow the housing portion to stay substantially the same and have different audio channeling based on the audio channels included on the cover member attached thereto that includes the window opening.

Holmberg fails to teach an electronic communication device having any particular housing shape including beveled (bezeled). Fuhrmann teaches an electronic communication

device (Fuhrmann, fig. 1) having a beveled housing for alternate aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the housing portion of Holmberg in the manner as taught Fuhrmann for the reason above.

Although the combination of Holmberg and Fuhrmann teaches a speaker (Holmberg, 6) located at the top of the housing portion associated with the audio channel, the combination fails to specifically teach the type of speaker associated with the audio channel as being any type of speaker, including low audio speaker. The Prior Art of Holmberg teaches that the loudspeaker used for the earpiece for placement close to the ear should be low in order to not cause impaired hearing (col. 1 lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a low audio speaker in the top housing portion of the combination of Holmberg and Fuhrmann as taught by the Prior Art for the reason stated.

In addition, the combination of Holmberg, Fuhrmann, and the Prior Art fails to teach including a high audio speaker. Schmidt teaches including a high secondary speaker in an electronic device located at the opposite end of the phone to allow an additional radio mode featured to be used with the electronic device (col. 3 lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the electronic device of the combination of Holmberg, Fuhrmann, and the Prior Art to incorporate a high secondary speaker phone as taught by Schmidt to beneficially provide the additional radio mode feature, thus promoting multi-functionality of the device.

Regarding claim 20, the combination of Holmberg, Fuhrmann, the Prior Art, and Schmidt

teaches the electronic communication device of claim 19 including a lens member (15, Fuhrmann) having a predetermined size that is kept to a minimum to fit over the window opening for covering the display screen (Fuhrmann as related to Holmberg, 9).

Regarding claim 21, the combination combination of Holmberg, Fuhrmann, the Prior Art, and Schmidt teaches the electronic communication device of claim 19 including a lens member (15, Fuhrmann) fixed to the external surface of the bezel housing portion to cover the display screen (fig. 1) with the audio channels (7, Holmberg) formed independent of the lens member.

Regarding claim 22, the combination of Holmberg, Fuhrmann, the Prior Art, and Schmidt teaches the electronic communication device of claim 19 including a speaker (6, Holmberg), the bezel housing portion includes a through aperture (4, 10; Holmberg) generally aligned with the speaker, the audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) includes a through port for being aligned between the speaker and housing portion through aperture, and the channels (7) include recesses formed in the audio cover member for releasing excessive sound pressure.

Regarding claim 23, the combination of Holmberg, Fuhrmann, the Prior Art, and Schmidt teaches the electronic communication device of claim 22 wherein the audio cover member (Holmberg; col. 3 lines 22-25, alternate embodiments figs. 2-7) includes seals extending about the port and recesses with portions of the recesses unsealed for sound pressure release therefrom.

Response to Arguments

Applicant's arguments, with respect to the rejection(s) of claim(s) 1-8 and 11-23 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Holmberg, Fuhrmann, the Prior Art, and Schmidt.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
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April 6, 2008

/Phylesha L Dabney/
Examiner, Art Unit 2614

//Curtis Kuntz//
Supervisory Patent Examiner, Art Unit 2614